degree if present, aiding and abetting. RUSSEL ON CRIMES, [9th Ed.] 58. In the leading case of *Blackburn* v. *State*, 23 Ohio St. 146, largely relied upon in the principal case, it was held that one who furnishes the poison with the intent that another shall commit suicide with it, "administers" it in the statutory sense, and is guilty of murder, although suicide is not a crime in Ohio. The evidence was strong, however, that the woman was forced by accused to take the poison, which was not true in the principal case. It has been doubted if the doctrine of *Burnett* v. *People, supra,* could be stretched to cover just such a case as the principal one. 17 HARV. L. REV. 331. Certainly in the result, if not in the doctrine stated, the Michigan case is more extreme than any above noted. The Texas court is *contra* with the clear cut holding that as suicide is not a crime, one who furnishes the means, or encourages the act, is guilty of no crime. *Grace* v. *State*, 69 S. W. 529; *Saunders* v. *State*, 54 Tex. Crim. Rep. 101.

EASEMENTS—NON-USER NOT ABANDONMENT.—Predecessors in title of plaintiff conveyed property to the predecessors of defendant railway, reserving a right of way across it to grantor's land. For fifteen years the dominant estate was used in connection with a mill, which burned down in 1900, since when land had been used as a depositing place for gravel, and most of the time a different crossing had been used. Since about 1905, the servient owners kept the crossing blocked with cars, and in 1914 built a platform across it. After complaints from plaintiff, the servient owners agreed to arrange the matter, but failed to do so, continuing the obstruction until the present action to enjoin defendant from obstructing the way, defendant claiming that there was an abandonment of the easement. *Held,* the easement was not abandoned, but due to laches of the plaintiff, he is entitled merely to damages, but not an injunction. *McMorran Milling Co.* v. *Pere Marquette Ry. Co.* (Mich., 1920) 178 N. W. 274.

It was decided in *Day* v. *Walden*, 46 Mich. 575, that an easement established by grant cannot be extinguished by any period of non-user. But some doubt seems to be cast on the rule in *Jones* v. *Van Bochove*, 103 Mich. 98, by an intimation that a prescriptive easement may be lost by mere non-user for the prescriptive period, and that there should be no difference between an easement lying in grant and one gained by prescription. The latter statement is certainly logical. But as to extinguishment of a prescriptive easement, the better doctrine seems to be that non-user for the prescriptive period is merely evidence of an abandonment. *Pratt* v. *Sweetser*, 68 Me. 344; see WASHBURN, EASEMENTS, [4th ed.] p. 720. The principal case clears any doubts about the rule as to easements lying in grant by announcing the correct rule that mere non-user, for however long continued, cannot extinguish an easement lying in grant. *Lathrop* v. *Elsner*, 93 Mich. 599; *Arnold* v. *Stevens*, 24 Pick. 106; *Hughes* v. *Galusha Stove Co.*, 118 N. Y. S. 109; *Harris* v. *Curtis*, 124 N. Y. S. 263. But non-user of a way, even one lying in grant, for no matter how short a time, if accompanied by intention to abandon, extinguishes the easement. *Regina* v. *Chorley*, 12 Q. B. 515; *Crain* v. *Fox*, 16 Barb. 185. Whether there is intent to abandon depends upon the facts of each case, and

must be shown to be clear and unequivocal. "It is one thing not to assert an intention to use a way, and another thing to assert an intention to abandon it." Sir Edward Fry in *James* v. *Stevenson,* 18 A. C. 162; *Johnson* v. *Stitt,* 21 R. I. 429. If the dominant owner has led others to believe the way to be abandoned, he will be estopped to claim the easement. *Trimble* v. *King,* 131 Ky. 1. In the principal case, there could be no estoppel, since the dominant owner constantly protested.

EASEMENTS—USE OF WALL FOR ADVERTISING—IRREVOCABLE PRIVILEGE.—Plaintiff contracted in writing with the defendant, for the privilege to paint and maintain signs upon the walls of defendant's building. In an action for an injunction restraining the defendant from interfering with this privilege, *held,* the authority or right to use the walls in question was not merely permissive, but amounted to the grant of a right in the nature of an easement and was not a mere revocable license. *Thomas Cusack Co.* v. *Myers* (Iowa, 1920), 178 N. W. 401.

There was no dominant estate in this case and if an easement existed, it must be an easement in gross. Easements in gross are generally recognized in this country and are not revocable at will. *New York* v. *Law,* 125 N. Y. 380. The courts have had great difficulty in distinguishing between easements in gross and mere licenses. See 27 YALE L. JOUR. 66. The right to place advertising on walls has been held to imply a right of way upon the land sufficient to create a burden in the nature of an easement. *Willoughby* v. *Lawrence,* 116 Ill. 11. If the right is granted in the form of a lease, and involves possession of the land, it is treated as a lease. *C. J. Gude Co.* v. *Farley,* 58 N. Y. Sup. 1036. Most of the advertising cases in the books involve sign-boards. One can have an easement for the support of a sign-board from a wall just the same as if it were supported from the soil direct. *Moody* v. *Steggles,* 12 Ch. D. 261. A mere naked license is founded upon personal confidence and is therefore not assignable. *Morrill* v. *Mackman,* 24 Mich. 282. The courts that maintain that the facts in the principal case constitute a license frequently hold that an executed license for a term and for a consideration cannot be revoked. *Levy* v. *Louisville Gunning System,* 121 Ky. 510; 18 AM. & ENG. ENCY. [2d Ed.] 1144.

EVIDENCE—DISCOVERY OF DOCUMENTS—PRIVILEGE.—Plaintiffs, in a claim for an estate, make application for the production of certain documents. Defendants, who are the executors of the estate, claim professional privilege for the documents, as they were written by one of the executors in his professional capacity of attorney, for the use of the executors, and further, that fraud of attorney and client has not been sufficiently alleged. *Held,* the communications were privileged. *O'Rourke* v. *Darbishire,* [1920] A. C. 581.

The House of Lords passes squarely on the question of whether professional privilege is not displaced by the fact that the solicitor consulted is himself one of the trustees, and is acting as professional adviser to himself and his co-trustees. In *Re Postlethwaite,* 35 Ch. D. 722, North, J., was of the opinion that such a communication was not privileged, but the Lords, in the